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**DRAFT MINUTES  
FITCHBURG COMMON COUNCIL  
JUNE 24, 2014  
7:30 P.M.  
CITY HALL**

(Note: Full coverage of this meeting is available through FACTv and Streaming Video, accessible on the city web site at <http://factv.city.fitchburg.wi.us/Cablecast/Public/Main.aspx?ChannelID=3>)

1. **CALL TO ORDER** - Mayor Pfaff called the meeting to order at 7:33 p.m.
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL- Members Present:** Steve Arnold, Becky Baumbach, Richard Bloomquist, Dan Carpenter, Jason Gonzalez, Dorothy Krause, Carol Poole, Patrick Stern. Others: Jeanne Engle, Bill & Carol Kinney, Fredric DeVillers, Jordana Hall, Phil Sveum, Rob Helm, Craig Raddatz, Patrick Cheney. Staff: Tony Roach, City Administrator, Mark Sewell, City Attorney, Scott Endl, Parks Director, Linda Cory, City Clerk.
4. **PUBLIC APPEARANCES NON-AGENDA ITEMS / NEW APPOINTMENTS**
  - A. Non Agenda Items - None
  - B. **Mayoral Proclamations**
    1. Independents Week, Jeanne L. Engle, Development Specialist for Dane Buy Local  
  
Jeanne Engle was present and spoke on Independents Business Week and Dane Buy Local There will be a press conference on June 27<sup>th</sup>. Mayor Pfaff read the proclamation.
    2. 170<sup>th</sup> Anniversary Kinney Family Farm  
  
Bill and Carol Kinney accompanied by family were present to answer questions. The event will be Sat & Sun and estimated attendance is 150 people. The homestead was built in 1844 and has seen seven generations. It appears on the National Registry. The event will celebrate 170 years. Mayor Pfaff acknowledged Bill Kinney with thanked him for serving on the City's Plan Commission and read the proclamation.
  - C. **Public Hearing** - 2015-2019 Capital Improvement Plan  
  
Mayor Pfaff opened the Public hearing at 7:47 p.m. CIP information – amendments due July 11<sup>th</sup>. Discussion on June 25<sup>th</sup>'s COW will include review of financing by Ehlers & Associates.  
  
Registering and speaking in support of a project: Angela Kinderman, Antonina Prestigiacomo, Deirdre Garton, Patrick Cheney. Speaking in opposition to a project: Sandy Van Calcar, Marge Amlie. Registrations received (not speaking) included 8 in opposition and 1 in support.  
  
The Public Hearing was closed at 8:22 p.m.

**CONSENT AGENDA**

ALL ITEMS LISTED UNDER THE CONSENT AGENDA are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a motion to amend is passed in which event the item will be removed from the Consent Agenda and considered on the agenda under the appropriate section.

**A. APPROVAL OF MINUTES**

1. Common Council – June 10, 2014

**B. REFERRALS TO COMMISSIONS AND COMMITTEE**

99. **Resolution R-72-14** Adopting the 2015 Annual City Budget Schedule
  - a. Finance Committee
100. **Ordinance 2014-O-22** Chapter 54 –Parks, Recreation and Forestry, Article III, Division 3. Tree and Shrub Management
  - a. Park Commission
101. **Ordinance 2014-O-23** An Ordinance to Adopt the 2014 Amendments to the Comprehensive Plan for the City of Fitchburg in Dane County, Wisconsin
  - a. Plan Commission
102. **Ordinance 2014-O-24** An Ordinance Amending Chapter 26 Sign Ordinance to Create Section 26-7 Verona Road Reconstruction Project and Delete Section 26-81 and Corresponding References in Section 26-124(2) and Section 26-2
  - a. Plan Commission
103. **Ordinance 2014-O-25** Chapter 22-Zoning, Article III. Business Districts, Division 6. Conditional Uses Applicable to all Business Districts Sec. 22-357. Design Review
  - a. Community & Economic Development Authority
  - b. Plan Commission
  - c. Public Safety & Human Services

**C. Public Safety & Human Services**

1. **Operator Licenses: (Issuance Contingent upon Payment of all Fees Owed to City of Fitchburg – Notes: N = New, All Others = Renewal)** Elene Alman, Terri Arnold, Cynthia Aurit, Byron Brauner, Rachel Clark, Jessica Cook, Erin Coutts, Madison Craw, Holly DeGroot, Bryn DeVenecia, Christy Dukelow, Michelle Felder – N, Megan Herfel, Corwin Hoffman, Robert Hughes, Jonathan Jackson, Jeffrey Kardasz, Patricia Larson, Megan Linley, Jesse Loveall, Shavonne Matthews, Michelle McNeal, Kayne Niegherbauer, Abby Odden – N, Kiley Powers – N, Alexandra Prigge – N, Kira Reeve – N, Megan Rennhack – N, Brad Rogers – N, Jessica Rust, David Sanborn, Anne Schalow – N, Kenneth Schardt, Jennifer Schmitzer, Mark Schultz, Sital Singh, Amanda Slater, Conjetta Stewart, Kristina Sunde, Linh Tuong, Shuting Zheng

2. **Consideration of the Following Fermented Malt Beverage and Intoxicating Liquor Licenses: (Issuance Contingent upon Payment of all Fees owed to The City of Fitchburg) All are new applications.**

**CLASS “B” FERMENTED MALT BEVERAGE**

Thai Noodles, LLC, 5957 McKee Road #103 – DBA Thai Noodles – Ryan Farrell, Agent

3. **Consideration of the Following Fermented Malt Beverage and Intoxicating Liquor Licenses: (Issuance Contingent upon Payment of all Fees owed to The City of Fitchburg) All are renewal applications.**

**CLASS “B” FERMENTED MALT BEVERAGE**

A Sakura, LLC, 5401 Caddis Bend – DBA A Sakura – Shawn Xiong, Agent

**CLASS “B” FERMENTED MALT BEVERAGE RETAIL LICENSE AND RESERVE “CLASS B” INTOXICATING LIQUOR RETAIL LICENSE**

Maxamaya LLC, 5957 McKee Road – DBA Barriques Market – Matt R. Weygandt, Agent

**CLASS “A”/“CLASS A” FERMENTED MALT BEVERAGE & INTOXICATING LIQUOR**

Francois Oil Company Inc., 2770 S. Syene Road – DBA Syene Depot/The Station #119 – Steve J. Merry, Agent

Steve’s at Orchard Pointe, 6227 McKee Road – DBA Steve’s at Orchard Pointe – Randall Wautlet, Agent

**CLASS “A” FERMENTED MALT BEVERAGE**

LaConcha, LLC, 3054 Fish Hatchery Road – DBA LaConcha Bakery & Deli – Tomas Ballesta, Agent

**“CLASS C” RETAILERS’ LICENSE FOR THE SALE OF WINE**

A Sakura, LLC, 5401 Caddis Bend – DBA A Sakura – Shawn Xiong, Agent

Mary Jane Klien, 5140 Irish Lane registered in opposition to referral #99. Darin Burleigh, 5520 Tomahawk Tr. Madison registered for item # 102.

Motion by Baumbach, 2<sup>nd</sup> by Carpenter to **approve the consent agenda. Motion carried.**

6. **ADMINISTRATOR’S REPORT**– Roach reported on Splash Pad Birthday Party. The Library Celebration, Senior Center Potluck, Concerts at McKee that include “youth bands” sponsored by Madison Music Foundry. He reported on COW, the Incident Command Scenario training. He provided updated on Rail Crossings, and PD construction– plans 90% reviewed and looking for an August 1<sup>st</sup> start.

7. **COMMISSION/COMMITTEE REPORTS**

- A. **Plan Commission**

1. Motion by Poole, 2<sup>nd</sup> by Baumbach to **approve Resolution R-75-14** A Resolution Approving an Extraterritorial Jurisdiction Certified Survey Map CS-2020-14, by Ed Short of Exeter Design, Agent for Dave Bischoff, for Approval of Certified Survey Map to Adjust the Lot Line for Property Associated with 6583 Grandview Road, Lot 1 CSM 3973, Town of Verona. **Motion carried.**
    2. Motion by Poole, 2<sup>nd</sup> by Carpenter to **approve Ordinance 2014-O-26** Zoning Ordinance Amendment, Approving Rezoning Request RZ-2021-14 by Laurence Davies, to Rezone Property from the B-H (Highway Business) District to the B-P (Professional Office) District, Property Associated with 5525 Bjorksten Place. **Motion carried.**
    3. Motion by Poole, 2<sup>nd</sup> by Gonzalez to **approve Ordinance 2014-O-27** Zoning Ordinance Amendment Amending General Implementation Plan Zoning for Lots 109 and 110, First Addition to Swan Creek of Nine Springs. **Motion carried.**

Fredric DeVillers and Jordana Hall, representing Fitchburg Lands answered questions. Six registrations were received in support.

4. Motion by Poole, 2<sup>nd</sup> by Carpenter to **approve Resolution R-73-14** A Resolution Approving Certified Survey Map Request CS-2024-14 by Fredric DeVillers, Agent for Fitchburg Lands, LLC to Combine Lots 109 and 110 First Addition to Swan Creek into One Lot. **Motion carried.**
    5. Motion by Poole, 2<sup>nd</sup> by Stern to **approve Ordinance 2014-O-28** Zoning Ordinance Amendment, Approving Rezoning Request RZ-2026-14 by Deborah Hatfield of Montgomery Associates, Agent for Hamm Fam Land LLC, to Rezone Property from the R-D (Rural Development) District to the P-R (Park and Recreation) district, A Part of Lot 3 CSM 11159. **Motion carried.**

Phil Sveum, 5500 E, Cheryl Parkway was present, representing self and answered questions.

6. Motion by Poole, 2<sup>nd</sup> by Stern to **approve Ordinance 2014-O-29** Zoning Ordinance Amendment Issue Specific Implementation Plan Zoning for Part of Lot 3 CSM 11159. **Motion carried.**
7. Motion by Poole, 2<sup>nd</sup> by Baumbach to **approve Resolution R-74-14** A Resolution Approving Final Plat Request (FP-2028-14) for the Plat of Quarry Vista. a. Resource Conservation Commission. b. Transportation & Transit Commission. **Motion carried.**
8. Motion by Poole, 2<sup>nd</sup> by Arnold to **approve Ordinance 2014-O-30** Zoning Ordinance Amendment Amending Specific Implementation Plan Zoning for Lot 14, Orchard Pointe. **Motion carried.**
9. Motion by Poole, 2<sup>nd</sup> by Baumbach to **approve Ordinance 2014-O-20** An Ordinance Amending Chapter 23 to Amend Article 5.6.2 F I for Reference Notation, Amend 5.6.2 F II Limiting Façade Depth on Non-Principal Frontage, Create 5.6.2 F VII Relative to Building Recess for Outdoor Space, and Amend Article 5.13.5 C to Allow Powder Coated Aluminum Railings. Motion by Arnold for unanimous consent for technical correction for the numbering sections 1,2,3,4,5. No objection. Motion by Arnold to remove numbers 1, 2, 3. **Motion failed. Vote on main motion carried.**

Poole report on new construction of the da Vinci Center in the Promega complex.

**B. Board of Public Works**

1. Motion by Bloomquist, 2<sup>nd</sup> by Krause to **approve Resolution R-68-14** Resolution Accepting 2013 Compliance Maintenance Annual Report for the Wastewater Collection System. **Motion carried.**
2. Motion by Bloomquist, 2<sup>nd</sup> by Stern to **table Resolution R-70-14** Resolution Designating Path Location For a Connection to McKee Road From the Military Ridge Path
  - a. Transportation & Transit. Attorney Sewell was present.

Registering and speaking in support: Mark Shahan, Vanika Mock, Roger Bass, Anne Altstatt, Joe Imilkowski, Chad Brown, Darin Burleigh, William Haus, Joel Minkoff.  
 Registering and speaking in opposition: John and Deborah Paul. Roll call vote: Ayes: Carpenter, Gonzalez, Poole, Stern, Baumbach. Nays: Krause, Arnold. Abstain: Bloomquist. **Motion carried.**

Mayor Pfaff read the registrations received (not speaking) included 14 in support and 2 with no preference.

**C. Park Commission**

1. Motion by Gonzalez, 2<sup>nd</sup> by Krause to **approve Resolution R-62-14** A Resolution Approving Parkland Dedication from Fiduciary Real Estate Development
  - a. Plan Commission –failed b. Finance Committee – failed.

Registering and speaking in support: Rob Helm, Craig Raddatz, Registering and speaking in opposition: Patrick Cheney. Jake Johnson's registered in opposition.

Gonzalez **withdrew motion to approve. Motion by Gonzalez to deny approval of Resolution R-62-14** approving Parkland Dedication accept fee in lieu of. Roll call vote: Ayes: Carpenter, Gonzalez, Krause, Stern, Baumbach, Bloomquist. Nays: Poole, Arnold. **Motion carried.**

**D. Library Board** – Carpenter reported on action team meetings.

- E. **Commission on Aging** – Bloomquist reported on the last meeting that included volunteer opportunities and the Energy Task Force.
- F. **Resource Conservation Commission**– Arnold reported they met last week. MG&E information on KWH – w/ PSC
- G. **Transportation & Transit Commission** –Arnold reported the last meeting included the bike path access and the Quarry Vista Plat.
- H. **Community & Economic Development Authority** – Baumbach reported the next meeting is July 24 th.
- I. **Reports from other Commissions and Committees** EMS – No report

## 8. **STANDING COMMITTEE REPORTS**

### A. **Finance Committee**

#### 1. **APPROVAL OF BILLS -**

##### **Review of Bills Under \$25,000 or Previously Pre-Approved** (Council Action Not Required)

- a. General Checks 106365 through 106547 dated 6/18/2014 Total \$247,731.52

#### 2. **Pre-Approval Items Under \$50,000** (Council Action Not Required)

- a. Gordon Flesch – Canon Image Runner 8205 -2<sup>nd</sup> Floor Copier, \$50,700

#### 3. **Approval of Bills for \$25,000 or more** (Council Action Required)

- a. Batch Dated June 18, 2014 - \$465,564.20

Motion by Bloomquist, 2<sup>nd</sup> by Carpenter to **approve** bills as presented. **Motion carried.**  
Discussion on Finance Director hiring timeline and work being done by Kari Peters in the interim.

- B. **Personnel Committee** – Baumbach reported the next meeting June 25<sup>th</sup>.

### C. **Public Safety & Human Services**

#### 1. **Consideration of the Following Fermented Malt Beverage and Intoxicating Liquor Licenses: (Issuance Contingent upon Payment of all Fees owed to The City of Fitchburg) All are renewal applications.**

**\*\*Please note a Business with asterisks will require additional attention\*\*\***

##### **CLASS “B” FERMENTED MALT BEVERAGE RETAIL LICENSE AND RESERVE “CLASS B” INTOXICATING LIQUOR RETAIL LICENSE**

**\*\*CLS Holdings, LTD., 5266 Williamsburg Way – DBA Picasso’s – Chadwick Leppien, Agent**

**\*\*Jose A. Contreras, LLC, 2942 Fish Hatchery Road - DBA Carniceria Puebla – Jose Contreras, Agent**

Motion by Poole, 2<sup>nd</sup> by Gonzalez to **non-renew until all fees are taken care of** for CLS Holdings, LTD dba Picasso’s. **Motion carried**

- 2. Motion by Poole, 2<sup>nd</sup> by Gonzalez to **approve Ordinance 2014-O-21** Ordinance Amending Section 44-370 (c) to Allow FitchRona EMS Access to Knox Box Keys. **Motion carried**

Motion by Arnold, 2<sup>nd</sup> by Gonzalez to **extend meeting for an additional 30 minutes.** **Motion carried.**

- 9. **MAYOR’S REPORT**– Mayor Pfaff reported on July 22<sup>nd</sup> CIP deadlines, Splash Pad 1<sup>st</sup> Birthday and Madison Magazine Article on Council.

- A. Alder District Reports-included RCC – will hold “Green Meeting” at Library, July 24<sup>th</sup> McKee Farms and Bat Houses, Maple Lawn Remodel/Open House, Arrowhead July 12<sup>th</sup> Tea Grant

10. **UNFINISHED BUSINESS** - None

11. **NEW BUSINESS**

1. **Closed Session:** Motion by Poole, 2<sup>nd</sup> by Bloomquist to **go into closed session** pursuant to Wisconsin Statutes §19.85(1) (e)deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, and;  
(g) Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved (*Discuss Property Acquisition for the East & West Fire Stations, and Thomas Marquardt Claim*) Roll call all ayes. **Motion carried.** Time: 11:07 p.m.

2. Motion by Poole, 2<sup>nd</sup> by Stern **Reconvene into Open Session. Motion carried.**  
Time 11:20 p.m.

Motion by Arnold, 2<sup>nd</sup> by Stern to **extend meeting until 11:45 p.m. Motion carried.**

3. **Discussion and Possible Action Regarding Issues Discussed in Closed Session**

Motion by Poole, 2<sup>nd</sup> by Stern to **deny claim.** All ayes. **Motion carried.**

12. **ANNOUNCEMENTS**

a. The next Council Meeting is on July 8, 2014. COW meets June 25<sup>th</sup>.

13. Motion by Stern, 2<sup>nd</sup> by Carpenter to **adjourn. Motion carried.** Time: 11:33 p.m.